MOTION FILED
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No. 00-1813

IN THE
Supreme Court of the United States

ZEINAB ALI,
Petitioner,

v.

ALAMO RENT-A-CAR, INC.,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* AND BRIEF *AMICI CURIAE* AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE, COUNCIL ON AMERICAN-ISLAMIC RELATIONS, ARAB AMERICAN INSTITUTE, AMERICAN MUSLIM COUNCIL, AND NATIONAL EMPLOYMENT LAWYERS ASSOCIATION IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE*

The American-Arab Anti-Discrimination Committee (ADC), the Council on American-Islamic Relations (CAIR), the Arab American Institute (AAI), the American Muslim Council (AMC) and the National Employment Lawyers Association (NELA) move for leave to file the accompanying brief *amici curiae* in support of the position of petitioner Zeinab Ali, who has petitioned the Court for a writ of certiorari from the judgment and opinion of the United States Court of Appeals for the Fourth Circuit.

Pursuant to Supreme Court Rule 37.3, *amici's* counsel has sought the parties' consent to the filing of the within brief. Specifically, counsel for the Respondent was contacted by telephone and by letter of July 5, 2001. Subsequently, Respondent's counsel notified the undersigned that consent would be withheld. Counsel for the Petitioner has consented.

REASONS FOR GRANTING THE MOTION

Amici believe that the ruling below raises extremely important issues regarding the practical effect of Title VII's prohibition of religious discrimination in the American workplace. *Amici* share Petitioner's view that the decision below, together with decisions from a handful of additional circuits, conflict with the view of the majority of the circuits with respect to the elements of a *prima facie* case of religious discrimination under Title VII. *Amici* believe that this is a critically important conflict that needs to be resolved by this Court. In short, and as more fully set forth in the accompanying Brief, if the ruling below stands, religiously observant members of certain religions—especially those in minority faiths—will be subject to coerced choices between their jobs and their religious practices. *Amici* believe this to be contrary to the language and intent of Title VII's proscriptions against religious discrimination.

Amici ADC, CAIR, AAI and AMC are American advocacy organizations representing the interests of Arabs and Muslims in this country. As such they are acutely aware of the discrimination experienced by Arabs and Muslims, in the workplace and elsewhere, and together with NELA, are well positioned to assist the Court and the parties by providing additional information and perspective on the importance of this case.

Accordingly ADC, CAIR, AAI, AMC and NELA request that the Court allow the filing of their brief *amici curiae*.

Respectfully submitted,

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QUESTION PRESENTED

Whether an employer's knowing and explicit requirement that an employee abandon or compromise one of her religious principles while at work is sufficient to invoke the protections of Title VII, where there is no effort at accommodation and where observance of the principle in question has no impact on the employee's performance of her responsibilities.

PARTIES

The parties to this action are set forth in the caption.

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OPINIONS BELOW

The opinion of the court of appeals, dated March 6, 2001, and the Memorandum Opinion of the district court, dated December 7, 1999, are set out in the Appendix to the Petition for Writ of Certiorari at pp. 1a-8a and 9a-12a respectively.

JURISDICTION

The decision of the court of appeals was entered on March 6, 2001. This Court has jurisdiction under 28 U.S.C. § 1254.

STATUTES INVOLVED

Section 2000e-2(a)(1) of 42 U.S.C. provides in pertinent part:

> It shall be an unlawful employment practice for an employer—(1) to . . . discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's . . . religion. . . .

Section 2000e(j) of 42 U.S.C. provides:

> The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

INTEREST OF *AMICI CURIAE* [1]

The American-Arab Anti-Discrimination Committee (ADC) is a non-sectarian, non-partisan grassroots advocacy organization that was founded in 1980 to defend the civil

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[1] No part of the attached brief has been authored by counsel for either party or any other entity. In accordance with Supreme Court Rule 37.6, *amici* state that no persons other than the *amici* curiae, its members or its counsel made a monetary contribution to the preparation and submission of this brief.

rights of people of Arab descent and to promote their rich ethnic heritage. Based in Washington, D.C., ADC has a national membership of 30,000 Arab Americans lodged in more than eighty chapters nationwide. ADC has regional offices in Detroit, Michigan and Los Angeles, California.

ADC's interest in this case stems from its concern that large numbers of its Arab and Muslim members regularly experience discrimination generally in their daily lives and particularly in the workplace. In response to the White House "Initiative on Race," instituted under the administration of President Clinton, ADC prepared a 1996-97 Report on Hate Crimes and Discrimination against Arab Americans.[2] That Report concluded that "[h]ate crimes, discrimination and defamation of Arab Americans are widespread and permeate the workplace, the service industry, the media, the schools, and federal agencies." Continued investigation by ADC finds that these trends are continuing. Symptomatic is the constant stream of hostile and racist anti-Arab hate mail received by ADC. For example, during the last two months of 2000, ADC received one hundred eighty six separate pieces of hate mail, two hundred fifty hate messages transmitted electronically, and numerous threatening telephone calls.

ADC receives approximately 1,500 complaints of employment discrimination annually from its Arab and Muslim members. Of particular significance for this case, the number of discrimination complaints that ADC has received from Muslim women who wear the *hijab*, or head cover, has increased significantly. Muslim women who wear the *hijab* in the workplace are frequently harassed by co-workers and are often asked by employers to remove their head covering or risk termination or transfer. ADC has long believed that such actions by employers violate Title VII of the Civil Rights Act of 1964.

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[2] 1996-97 Report on Hate Crimes & Discrimination Against Arab Americans, 1997 ADC Research Institute.

The Council on American-Islamic Relations (CAIR) is a non-profit, grassroots organization dedicated to defending the religious rights of Muslims in America and to presenting an Islamic perspective on issues of importance to the American public. As part of its mission, CAIR has attempted to resolve thousands of employment discrimination cases dealing with religious accommodations of Muslims. A large portion of those cases dealt directly with Muslim women who suffered as a result of their employers failing to allow them to wear their religiously mandated headscarf or *hijab*. This is a matter of great concern to CAIR and its constituents. Ms. Ali's case exemplifies the problems that these women face when trying to adhere to their religious beliefs.

The Arab American Institute (AAI) is a non-partisan, non-sectarian organization dedicated to the political empowerment of Americans of Arab descent. AAI works to facilitate Arab American participation in national, state and local politics and government, and provides a forum for the development of policy positions on domestic and foreign policy matters of concern to Arab Americans. Since its founding in 1985, AAI has played an active role in issues of racial profiling, hate crimes and discrimination, generally and as they particularly effect Arab-Americans. AAI's members regularly report instances of discrimination at their places of work, and AAI has worked to address these problems as well. Its concern in this case stems principally from this latter experience.

The American Muslim Council (AMC) is a non-profit organization established in 1990 to increase the effective participation of American Muslims in this country's political and public policy arenas. AMC seeks to encourage and facilitate the active participation of American Muslims in the American political process in order to increase their voice in the formulation of domestic and foreign policy. AMC also conducts education and lobbying on issues of concern to American Muslims, and works to develop local and

regional Muslim activist networks to defend the legal rights of Muslims.

The National Employment Lawyers Association (NELA) is a voluntary membership organization of over 3,000 lawyers who regularly represent employees in labor, employment, and civil rights disputes. NELA publishes a quarterly journal containing articles and reports of interest to its members and offers wide-ranging continuing legal education programs, including a three-day annual conference and several two-day workshops annually. As part of its advocacy efforts, NELA has filed numerous *amicus curiae* briefs before this Court, singly or jointly with other *amici*. Some recent cases include *Kolstad v. American Dental Association*, 527 U.S. 526 (1999); *Faragher v. City of Boca Raton*, 524 U.S. 775(1998); *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998); *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133 (2000); and *Pollard v. E.I. Dupont De Nemours Company*, ___ U.S. ___, 121 S.Ct. 1946 (2001).

Amici believe that the ruling below raises extremely important issues relating to the practical effect of Title VII's prohibition of religious discrimination in the American workplace. If the ruling is not reviewed and corrected by this Court, religiously observant members of certain religions—especially those in minority faiths—will all too frequently be forced to choose between their jobs and their religious practices. This is no small matter, if for no other reason than that the numbers of such individuals comprise a rapidly growing portion of the American workforce.

In brief, *amici* submit that an employer's unadorned direction that an employee abandon or compromise an innocuous, private religious practice or observance is sufficient to invoke the protection of Title VII. Yet under the reasoning that prevails in the Fourth and a few other circuits, employees whose religious beliefs bring them into conflict with the requirements or practices of their employer will be

denied access to the conciliation and other remedial provisions of Title VII, unless the conflict escalates to the point where termination or other severe economic penalty is imposed or explicitly threatened. This reasoning permits, and arguably encourages, an employer to impose a choice between an employee's observance of a private religious duty and his or her economic security, even if, as here, the observance has no impact on the employer's operations. This is precisely what the religious discrimination provisions of Title VII, as amended in 1972, were enacted to prevent. It is of little comfort that the employee faced with this draconian choice may force the issue and sue if she is fired. For, as this Court has recognized and common sense underscores, "the victims of job discrimination want jobs, not lawsuits." *Ford Motor Co. v. E.E.O.C.*, 458 U.S. 219, 230 (1982).

STATEMENT OF THE CASE [3]

Zeinab Ali, a Muslim woman, worked as an administrative supervisor for Alamo Rent-A-Car, Inc. at its facility at Reagan National Airport in Arlington, Virginia. Her religion requires her to wear a headscarf (*hijab*) in public, particularly in the presence of men, and she observed this requirement while at work. However, in December of 1996, a new supervisor, H. Scott Cooper, told Ms. Ali that she should not wear her headscarf at work because it "made her look different from the other company employees," and because it was not part of her uniform. Mr. Cooper issued this directive during the Muslim holy period, Ramadan, a period when a Muslim's awareness of his or her religious obligations is accentuated.

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[3] The case was decided below on the basis of a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Accordingly, except where otherwise indicated the facts here set forth are taken from Ms. Ali's Amended Complaint.

Ms. Ali protested that her religion required her to wear the scarf—especially during Ramadan. However, Mr. Cooper told her that if she persisted he would move her to a position where she did not come into contact with customers. He advised her to "think about it" over the weekend. When she returned to work wearing the scarf, Mr. Cooper told her "I see you have made your decision." She was then moved to a position involving no customer contact.[4] Thereafter, fearful for her job, Ms. Ali altered her behavior to meet Mr. Cooper's demands. She stopped wearing the headscarf mandated by her religion—though she replaced it with "a smaller head covering." She continued wearing the smaller headscarf until leaving the employ of Alamo as a result of a layoff.

After her departure from Alamo, Ms. Ali sued, contending that Mr. Cooper's directive requiring her to dispense with the headscarf mandated by her Muslim religion violated Title VII's strictures against discrimination based on religion. She alleged that Cooper's actions were "motivated by anti-Muslim sentiment or by callous indifference to [her] sensibilities as a Muslim." Ms. Ali's Complaint sought, *inter alia*, "a declaration under 28 U.S.C. §2201, that by their actions defendants violated her right to employment free from religious discrimination."

Alamo moved to dismiss the Complaint on the ground that Ms. Ali had neither alleged nor suffered an "adverse action." The district court, observing that "the Fourth Circuit has a fairly stringent approach to what is considered an adverse employment action," agreed with Alamo and entered an order dismissing the Complaint. The court found that Ms. Ali failed to state a claim for relief because she alleged neither

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[4] The fact that Ms. Ali was transferred to a position that kept her out of the view of Alamo's customers was not actually alleged in the Amended Complaint. However, it was stated as a fact by counsel during proceedings before the District Court. *See* Jt. App. pp. 18-19. It was assumed to be the case by the Fourth Circuit in its recitation of the facts. Pet. 3a.

"an actual or threatened adverse employment action."[5] Pet. 11a. Ms. Ali's allegation that she "was told she would be placed in a position with less customer contact or visibility if she did not remove her headscarf" was insufficient. According to the district court, there was no indication "that the threatened position would impact her ability to obtain a promotion or to get a raise," that it would affect duties, or that it would be otherwise "undesirable." *Id.*

The Court of Appeals affirmed in an unpublished opinion. It did not review its previous decisions addressing the necessity that an "adverse employment action" be established as part of a *prima facie* case under Title VII. Nor did it consider how that term might apply in the context of a religious discrimination claim. Rather, the Court proceeded on the assumption that Ms. Ali had conceded that she did not suffer an "adverse employment action." In this regard, *amici* believe that the Fourth Circuit's factual recitation is somewhat misleading. For while Ms. Ali did concede that she was not alleging a "work-related detriment," she also alleged that she had experienced palpable harm as a consequence of her employer's actions. As she put it in her brief to the Court of Appeals:

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[5] The district court relied on the Fourth Circuit's decisions in *Chalmers v. Tulon Co. of Richmond*, 101 F.3d 1012 (4th Cir. 1996) and *Boone v. Goldin*, 178 F. 3d 253 (4th Cir. 1999). In *Chalmers* the plaintiff had been fired because of conduct she claimed was prompted by her religious beliefs. This Court upheld the district court's grant of summary judgment "[b]ecause Chalmers provided Tulon with no notice of her need to engage in this conduct and because, in any event, this conduct was not susceptible to accommodation." In passing, the court described the requirements of Mrs. Chalmers' *prima facie* case as including a showing that "she was disciplined for failure to comply with the conflicting employment requirement." But this element fit the facts, and there was no need to consider whether the requirement would be applicable in different circumstances.

> While [Ms. Ali] suffered what a layperson would term retaliatory actions arising out of her confrontation with Mr. Cooper, as well as the affront of having her religious needs dismissed in cavalier fashion by the non-responsiveness of numerous company officials to whom she complained, she did not experience a formal demotion, loss of pay, or discretely cognizable adverse employment action. She took the "hit" on the religious side, not in an actionable manner on the work side. For this reason, Ms. Ali never attempted to state a conventional Title VII discrimination claim under this court's employment detriment standard set by *Page v. Bolger* and its progeny.

Brief for Appellant, p. 6. In any event, the Court of Appeals held that "Title VII religious discrimination claims [like claims based on race, gender, color or national origin] clearly require a showing of adverse employment action." Pet. 5a. Because the court found that Ms. Ali had not alleged such a showing, the judgment below was affirmed.

REASONS FOR GRANTING THE WRIT

THE DECISION BELOW WILL FOSTER RELIGIOUS DISCRIMINATION IN THE WORKPLACE AND IS DIRECTLY CONTRARY TO THE RELIGIOUS DISCRIMINATION PROVISIONS OF TITLE VII AND THIS COURT'S CONSTRUCTION OF THOSE PROVISIONS.

1. Freedom of religious expression is a fundamental hallmark of our democracy. Enshrined in the First Amendment, religious expression has been protected against governmental encroachment since the first days of the republic. In marked contrast to those early days, however, we are today a Nation of workers whose citizenry is enriched by a wide range of religious diversity. Many religions are cherished and observed in this country. Because of these

demographic trends, Title VII's imposition on employers of a limited obligation to accommodate religious diversity is of critical importance.

Adherents of religions outside the American religious mainstream are a rapidly growing component of the American workforce. According to *amici's* information, there are between seven and eight million Muslims in the United States. And a recent report prepared by the Economic and Social Council of the United Nations found that Islam is the country's fastest growing religion.[6] However, the assimilation into the workforce of these and other "eastern" religions is far from smooth. According to the U.N. Report, Muslims experience "islamophobia and racial intolerance in American society," fueled by a media and popular press that all too often portray Muslims as nothing more than dangerous extremists and terrorists.[7] Not surprisingly, this antipathy spills over into the workplace. This is borne out by the large number of complaints of employment discrimination received by several *amici*. *See* discussion, *supra* pp. 1-3. The U.N. Report stresses that Muslims frequently experience disrespect for their religious practices while at work, and that this disrespect is especially acute for "women wearing 'Islamic' dress (the *hijab*)."[8]

These phenomena are also reflected in data collected by the Equal Employment Opportunity Commission (EEOC). While claims of religious discrimination are a relatively small number of the claims filed with the EEOC, they have increased by well over forty *per cent* since 1992. Similarly, claims filed by Muslims have more than doubled during the

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[6] U.N. ESCOR, 55th Sess., U.N. Doc. E/CN.4/1999/58/Add.1, at para. 30(g).

[7] *Id.* at para. 36-37.

[8] *Id.* at para. 37(a).

same period. [9] *Amici* also note that the total number of EEOC complaints filed by Muslims in 2000, 284, is a small fraction of the complaints they receive each year from their constituents—indicating that much workplace discrimination experienced by Muslims is not addressed in the legal system.

In short, Ms. Ali's circumstances are far from unique. Muslim women are frequently required to dispense with their headscarves, and Muslims generally are all too frequently subjected to discrimination in the workplace. Muslims and adherents of Islam are a rapidly growing part of American society at large and the workforce as well. These factors make it important for this Court to ensure that Title VII's proscriptions against religious discrimination are applied fairly and evenly.

2. Title VII was amended in 1972 to broaden the proscription against discrimination on the ground of religion by adding an accommodation obligation. A new section 701(j) defined religion to include "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's . . . religious observance or practice without undue hardship on the conduct of the employer's business." 42 U.S.C. § 2000e(j). This new provision was intended "to require employers to make reasonable accommodations for employees whose 'religion' may include observances, practices, and beliefs . . . which differ from the employer's . . . requirements regarding standards, schedules, or other business-related employment conditions." *See* 118 Congressional Record, pp. 1861-1862 (1972).

As expressed by the Court of Appeals for the Seventh Circuit, section 701(j) requires "an employer [to] reasonably accommodate an employee's religious observance or practice

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[9] These data were provided to *amici* by the Information Resource Management Division of the Equal Employment Opportunity Commission in Washington, D.C.

unless it can demonstrate that such accommodation would result in undue hardship to the employer's business." *See Rodriguez v. The City of Chicago*, 156 F.3d 771, 775 (7th Cir. 1998). Rodriguez, a police officer, balked at guarding a local abortion clinic because of his religious beliefs. Ordered to do so, he acceded, "under protest," and then filed suit. As in this case, there was no explicit threat of termination or other discipline, and the City moved to dismiss on this basis. The district court denied this motion, finding it "nonsensical" to contend that an employee "has not been the victim of religious discrimination" when he is "forced by his employer to choose between his job and his faith [and] elects to avoid potential financial and/or professional damage by acceding to his employer's religiously objectionable demands."[10] *See also E.E.O.C. v. Townley Eng'g & Mfg. Co.*, 859 F.2d 610, 614 n. 5 (9th Cir. 1988), *cert. denied*, 489 U.S. 1077 (1989) ("An employee does not cease to be discriminated against because [s]he temporarily gives up [her] religious practice and submits to the employment policy.").[11]

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[10] *Rodriguez v. The City of Chicago*, 1996 U.S.Dist. Lexis 533; 69 Fair Empl. Prac. Cas. (BNA) 993 (N.D. Ill.) The District Court ultimately granted the City's motion for summary judgment, ruling that it had met its obligation to reasonably accommodate Officer Rodriguez's religious beliefs. *Rodriguez v. The City of Chicago*, 975 F.Supp. 1055 (N.D. Ill. 1997). At this point, the City had conceded the establishment of a *prima facie* case. This decision was affirmed on appeal when the Court of Appeals upheld the trial court's conclusion that the City had reasonably accommodated Officer Rodriguez's religious practices. *Rodriguez v. The City of Chicago, supra.*

[11] In *Townley*, the employer refused to excuse an atheist from mandatory religious services. The employee resigned, ultimately claiming he had been constructively discharged. The Court of Appeals found it unnecessary to address the constructive discharge question, holding that the employer violated Title VII simply by refusing the employee any accommodation at all. *Cf., American Postal Workers Union v. Postmaster General*, 781 F.2d 772, 774-75 (9th Cir. 1986)(Postal employees who

As the decisions in *Rodriguez* and *Townley Eng'g* demonstrate, and as the Petitioner explains (Pet. pp. 10-14), there is a split in the circuits over the question decided below. Most circuits have not adopted the restrictive approach espoused by the Fourth Circuit.

This Court has twice considered the extent of the accommodation obligation under section 701(j). *See Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977); *Ansonia Bd. Of Ed. v. Philbrook*, 479 U.S. 60 (1986). On both occasions, the Court made clear, as a threshold matter, that Congress intended to impose an accommodation obligation on an employer faced with an employee's conflicting religious observance or practice. Thus, in *Hardison*, the Court found that "the employer's statutory obligation [under section 701(j)] to make reasonable accommodation for the religious observances of its employees . . . is clear." The intent of Congress in enacting section 701(j) "was to *make it . . . unlawful* . . . for an employer not to make reasonable accommodations, short of undue hardship, for the religious practices of his employees and prospective employees." 432 U.S. at 74-75 (emphasis supplied). Nearly ten years later, in *Philbrook*, the Court reiterated that where an employee's religious beliefs conflict with an employer's practices, "*[t]he employer violates the statute* unless it 'demonstrates that [it] is unable to reasonably accommodate . . . an employee's . . . religious observance or practice without undue hardship . . . .'" 479 U.S. at 68 (emphasis supplied).

By its terms, then, section 701(j) establishes that an employer violates Title VII when it fails to accommodate an employee's "religious practices," unless it shows "undue

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agreed under protest to compromise their religious beliefs by processing draft registration forms established a prima facie case.).

hardship." [12] Ms. Ali was expressly and knowingly directed to violate one of her religious practices, a direction she alleges was "motivated by anti-Muslim sentiment or by callous indifference to [her] sensibilities as a Muslim." There was no offer to accommodate her. Ms. Ali acceded to her employer's directive out of fear for her job. These facts are more than sufficient to invoke the "statutory obligation [under § 701(j)] to make reasonable accommodation" for Ms. Ali's "religious observances." *Hardison*, *supra*, 432 U.S. at 74. The fact that Alamo did not discipline Ms. Ali, or otherwise take action having a direct economic effect on her work, does not rob her claim of viability under Title VII. In the absence of a proffered accommodation, or a showing that any accommodation would result in undue hardship, the employer's actions are simply "unlawful." *See Hardison* and *Philbrook*, both *supra*.

This is a critically important point, but hardly a radical one, either in terms of its application to these facts or as a reading of the statute. The wearing of her headscarf was an important religious observance for Ms. Ali. Her wish to honor it did not threaten her employer with any economic or logistical

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[12] The Equal Employment Opportunity Commission's regulations confirm that section 701(j) establishes a freestanding accommodation obligation:

> Reasonable accommodation without undue hardship as required by Section 701(j) of title VII of the Civil Rights Act of 1964.
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> * * * *
>
> (b) Duty to accommodate; (1) Section 701(j) makes it an unlawful employment practice under section 703(a)(1) for an employer to fail to reasonably accommodate the religious practices of an employee or prospective employee, unless the employer demonstrates that accommodation would result in undue hardship on the conduct of its business.

29 CFR §1605.2.

hardship. With or without her headscarf she remained perfectly able to perform her responsibilities. When this fact is faced, the threat to move her out of the sight of Alamo's customers because of the headscarf emerges as pure and simple religious discrimination.

This conclusion is compelled when religion is compared with other categories of discrimination proscribed by Title VII. One would hardly argue in this day and age, for example, that an employer could put his African American or female employees in the back room to avoid offending customers. To be sure, when the case proceeds, Alamo will be free to try to demonstrate that reassigning Ms. Ali out of its customers' view constituted a proper accommodation of her religious beliefs, or that it otherwise accommodated them. At the same time, Ms. Ali will be free to adduce evidence of the damages she sustained as a consequence of being forced to swallow this gross trivialization of her religious beliefs. What is clear to *amici*—and what we urge on this Court—is that the case should not have been snuffed out at this early juncture.

CONCLUSION

By allowing employers to force their employees to choose between their religious practices and observances and the economic security provided by a job, the ruling below sharply impedes the exercise of religious freedom in the American workplace in the Fourth Circuit and in the other circuits adopting similar reasoning. *Amici* submit that this result is plainly inconsistent with the religious discrimination provisions of Title VII. Because of the importance of this case, *amici* urge that a writ of certiorari issue to review the judgment and opinion of the Court of Appeals for the Fourth Circuit.

Respectfully submitted,

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